

# EXHIBIT A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Yusheng Wu *et al.* EXAMINER Not Yet Assigned  
APPLICATION No: 10/566,150 ART UNIT: 1614  
INTERNATIONAL PCT/US2004/24339 I.A. FILING DATE: 07/28/2004  
APPLICATION No:  
FOR: PROCESS FOR THE SYNTHESIS OF BIARYL OXAZOLIDINONES

**MAIL STOP PETITION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF MARIANNE FLYNN IN SUPPORT OF RULE 181 PETITION TO  
WITHDRAW HOLDING OF ABANDONMENT**

I, Marianne Flynn, hereby declare as follows:

1. My name is Marianne Flynn, and I am the Manager, IP Operations for the law firm of Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P. C., with offices at One Financial Center, Boston, MA 02111. I make this Declaration based on personal knowledge and in support of the accompanying Request to Withdraw Notice of Abandonment in the above-identified application.
2. I have almost 30 years of experience in U.S., PCT, and foreign patent procedures. I am currently responsible for implementing and overseeing the file room and docketing procedures in the Intellectual Property section within Mintz Levin. I am very familiar with these procedures and attest that they are functioning on a routine basis. Below is an outline of the procedures followed by the docketing and file room:
3. Attendant to its Intellectual Property Practice, Mintz Levin has implemented a filing and docketing system whereby files are created for each new matter opened with the USPTO. These

files are then assigned to one or more supervising and responsible attorneys. These files house the record of correspondence between the USPTO and the attorneys of record, and between the Applicant and the attorneys. All USPTO mail, including Notifications of Missing Requirements, sent from the USPTO pertaining to Mintz customer numbers assigned to Mintz offices in Boston, San Diego, Washington D.C., and New York, is received in the Docketing Department in Boston. The USPTO mail is then date stamped, logged into an electronic spreadsheet, docketed and entered into our central database (“CPI”). It is our policy to process all USPTO mail the same day it is received. Each piece of USPTO mail received is subsequently forwarded to the responsible attorney or his/her secretary. Weekly docket reports are prepared for each attorney listing the days on which various actions are due.

4. Upon filing a response to an Action from the USPTO, the attorney or his/her secretary concurrently forwards duplicate paperwork to the docketing department so that the Action for which a response was filed will be de-docketed from the date-due list.

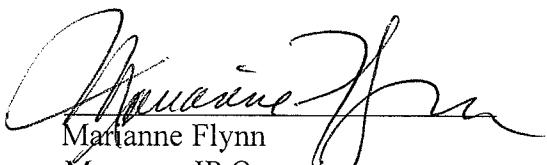
5. A full search of the mail, the spreadsheet, the file jacket for 26505-526NATL and of the docket records, indicates that Mintz Levin never received a USPTO Notification of Missing Requirements, dated February 25, 2008, in the above-identified application. The Notification of Missing Requirements was never entered on our central database and was never included within the weekly docketing reports.

6. Copies of the docket record for the above-referenced application are enclosed for consideration. These copies show, under the heading “List of Actions”, where the Notification of Missing Requirements would have been entered and docketed had it been received.

7. I believe that Mintz Levin’s docketing system described above is sufficiently reliable for recording an Office action received at One Financial Center, Boston, MA (Mintz Levin’s correspondence address of record with the USPTO). Each record includes, but is not limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

8. All statements made of my own knowledge are true, and all statements made on information and belief are believed to be true. The statements made herein are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



Marianne Flynn  
Manager, IP Operations  
c/o MINTZ LEVIN COHN FERRIS  
GLOVSKY & POPEO, P.C.  
One Financial Center  
Boston, MA 02111  
(617) 542-6000

Date: March 20, 2009

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